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UNCLAS HANOI 000267

SIPDIS

DEPARTMENT FOR CA, CA/OCS, CA/OCS/ACS/EAP, and EAP/BCLTV
HO CHI MINH CITY FOR CONS

E.O. 12958: N/A

TAGS: [KOCI](#) [CVIS](#) [CASC](#) [PREL](#) [VM](#)

SUBJECT: LETTER FROM DIRECTOR OF CONSULAR DEPARTMENT BUI
DINH DINH TO A/S HARTY: NOTIFICATION OF ARREST AND CONSULAR
DISTRICT ISSUES

(U) On January 19th, Post received a diplomatic note asking that the following letter from Mr. Bui Dinh Dinh, Director of the Consular Department, MFA be delivered to Assistant Secretary for Consular Affairs, Maura Harty. The original

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was in Vietnamese only, and what follows is Post's informal translation. The text of this letter has been transmitted via email and is being repeated in this cable for more broad dissemination. Please advise if the originals require transmission to the Department via fax or pouch.

Begin text:

Dear Assistant Secretary Maura Harty,

At our recent meeting, we discussed openly and frankly a number of consular issues in a cooperative and constructive spirit.

I share your concern about the implementation of the Agreed Minute between the Vietnamese Ministry of Foreign Affairs and the U.S. Department of State (1994), which includes the [requirements that] notification and authorization be granted to representatives of each Mission Office to gain consular access to passport holders of the respective countries when they are arrested.

In the past, the Ministry of Foreign Affairs has collaborated with the relevant Vietnamese agencies in implementing the Agreed Minute, and has met as expeditiously as possible [the requirement to] notify the U.S. Embassy or Consulate General in Vietnam of the arrest or detention of U.S. passport holders, and has also arranged for representatives of the above-mentioned offices to gain consular access to the [arrested or detained] individuals. However, a number of the points included in the Agreed Minute differ from stipulations of Vietnamese law on legal procedures, and therefore the implementation [of such points] requires coordination with other relevant Vietnamese agencies. As a result, it was unavoidable that there have been a number of cases [and/or] incidents that were not processed within the agreed time; but these were just very exceptional cases. We believe that in the future, the Ministry of Foreign Affairs will coordinate with the relevant Vietnamese agencies to ensure that the implementation is in accordance with the agreement.

I am also very concerned about the implementation of this Agreed Minute in the United States. In the past, [there have been incidents in which] both the Vietnamese Embassy in the United States and the Vietnamese Consulate General in San Francisco have not been notified by the U.S. Department of State of the arrests [and/or] imprisonment of Vietnamese citizens. We request that the U.S. Department of State continue its support for the implementation of the 1994 Agreed Minute and 1968 Vienna Convention, [and] notify the Vietnamese Embassy in the United States and the Vietnamese Consulate General in San Francisco within 96 hours of the arrest of Vietnamese citizens and allow expeditious consular access to arrested Vietnamese citizens.

The request of the United States regarding the expansion of the consular district for the activities of the U.S. Consulate General in Ho Chi Minh City is under positive consideration by the relevant Vietnamese authorities on the basis of reciprocity, with a view to promoting the friendship and cooperative relations with authorities of the southern provinces. I hope that I can inform you of the result at the earliest possible opportunity.

Sincerely,

(signed)

Bui Dinh Dinh

End text.

MARINE